

**TRANSLATION****PATENT COOPERATION TREATY****PCT****INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>TS03-00020</b>	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. <b>PCT/JP2004/013813</b>	International filing date (day/month/year) <b>22.09.2004</b>	Priority date (day/month/year) <b>09.10.2003</b>
International Patent Classification (IPC) or national classification and IPC <b>A47H13/04, A47H15/02</b>		
Applicant <b>TOSO COMPANY, LIMITED</b>		

1.	This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.	
2.	This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.	
3.	This report is also accompanied by ANNEXES, comprising: a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>2</u> sheets, as follows: <input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).	
4.	This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application	

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2004/013813

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-8 \_\_\_\_\_ as originally filed/furnished
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☒ the claims:
- nos. 3-7 \_\_\_\_\_ as originally filed/furnished
- nos.\* 1, 2, 8 \_\_\_\_\_ as amended (together with any statement) under Article 19
- nos.\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- nos.\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☒ the drawings:
- sheets fig. 1-9 \_\_\_\_\_ as originally filed/furnished
- sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2004/013813

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	1-8	YES
	Claims		NO
Inventive step (IS)	Claims	6, 7	YES
	Claims	1-5, 8	NO
Industrial applicability (IA)	Claims	1-8	YES
	Claims		NO
2. Citations and explanations (Rule 70.7)			
<p>Document 1: Microfilm of the specification and drawings annexed to the request of Japanese Utility Model Application No. 46659/1988 (Laid-open No. 157801/1989) (Kazuo MINAMI), 31 October 1989, page 7, line 11 to page 8, line 6 and fig. 3 to 5 (Family: none)</p>			
<p>Document 2: JP 2003-235721 A (Takeda Seiki Kabushiki Kaisha), 26 August 2003, paragraphs [0015] to [0022] and all drawings (Family: none)</p>			
<p>Document 3: Microfilm of the specification and drawings annexed to the request of Japanese Utility Model Application No. 135852/1988 (Laid-open No. 57478/1990) (Toyota Auto Body Co., Ltd.), 25 April 1990, page 8, lines 9 to 17 and all drawings (Family: none)</p>			
<p>Document 4: JP 9-327374 A (Toso Co., Ltd.), 22 December 1997, entire text, all drawings (Family: none)</p>			
<p>Document 5: Microfilm of the specification and drawings annexed to the request of Japanese Utility Model Application No. 154934/1980 (Laid-open No. 76585/1982) (Yugen Kaisha Tomoyasu Seisakusho), 12 May 1982, page 4, lines 8 to 13 and all drawings (Family: none)</p>			

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2004/013813

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;  
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Document 6: JP 2001-327394 A (Soken Kabushiki Kaisha), 27  
November 2001, claims 1 and 5; paragraph  
[0009]; and all drawings (Family: none)

The inventions set forth in claims 1, 2, 5 and 8 do not involve an inventive step in the light of document 1, which is cited in the international search report, document 2 or 3, both of which are cited in the international search report, and document 6, which is newly cited in the international preliminary examination report.

In the invention disclosed in document 1, it is apparent that the "eyelets (16)," which are "hook insertion holes," are formed so as to be orthogonal to the lengthwise direction of the curtain rail, and it is also apparent that said eyelets have a width which is sufficient to allow the passage of a hook.

In addition, it would have been easy for a person skilled in the art to conceive of applying the curtain runner that is disclosed in document 2 or document 3 as the curtain runner for the curtain that is disclosed in document 1.

Furthermore, the feature of configuring so that the hook insertion holes and the body parts of the hook members have approximately the same width in the lengthwise direction and the feature of providing pin parts that protrude upwards from the body part of each hook member are merely simple design matters that could have been configured by a person skilled in the art, as appropriate.

Hypothetically, even if the "hook insertion holes" of the invention set forth in claim 1 were both orthogonal to the lengthwise direction of the curtain rail and parallel to the plane of the curtain, document 6 discloses a

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2004/013813

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;  
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configuration wherein the "hook insertion holes" are formed so as to be both orthogonal to the lengthwise direction of the curtain rail and parallel to the plane of the curtain.

The invention set forth in claim 3 does not involve an inventive step in the light of documents 1 to 3 and 6, which are indicated above, and documents 4 and 5, which are cited in the international search report. It would have been easy for a person skilled in the art to conceive of applying the technical feature that is disclosed in document 4, wherein the leg part of the curtain hook is narrower than the body part of the curtain hook, and the technical feature that is disclosed in document 5, wherein a notch is provided in the section of the body part that faces the leg part, in the curtain hooks that are disclosed in document 1.

The invention set forth in claim 4 does not involve an inventive step in the light of documents 1 to 6. It would have been easy for a person skilled in the art to conceive of applying the technical feature that is disclosed in document 3, wherein a protrusion is provided to the curtain hook, in the curtain hooks that are disclosed in document 1. At that time, the question of whether to provide the protrusion to the body part of the hook member or to provide the protrusion to the leg part of the hook member is merely a design issue that could have been resolved by a person skilled in the art, as appropriate.

The inventions set forth in claims 6 and 7 are not disclosed in any of documents 1 to 6, and would not have been obvious to a person skilled in the art.